

AO 91 (Rev. 11/11) Criminal Complaint (Rev. by USAO on 3/12/20)

☐ Original ☐ Duplicate Original

UNITED STATES DISTRICT COURT

for the

Central District of California

United States of America

v.

GRAHAM HEFNER,

Defendant

Case No. 2:23-mj-00155-DUTY

FILED
CLERK, U.S. DISTRICT COURT

1/13/2023

CENTRAL DISTRICT OF CALIFORNIA
BY: Selena M. Maas DEPUTY

LODGED

CLERK, U.S. DISTRICT COURT

1/13/2023

CENTRAL DISTRICT OF CALIFORNIA

BY: _____ CD _____ DEPUTY

CRIMINAL COMPLAINT BY TELEPHONE
OR OTHER RELIABLE ELECTRONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 10, 2023, in the county of Los Angeles in the Central District of California,
the defendant(s) violated:*Code Section*

18 U.S.C. § 641

Offense Description

Theft of Government Property

This criminal complaint is based on these facts:

Please see attached affidavit.☒ Continued on the attached sheet.

/s/

Complainant's signature

Matthew A. Maas, Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone.

Date: 1/13/23

Judge's signature

City and state: Los Angeles, California

Hon. Charles F. Eick, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, MATTHEW A. MAAS, being duly sworn, declare and state as follows:

PURPOSE OF AFFIDAVIT

1. This affidavit is made in support of a criminal complaint and arrest warrant against HEFNER, GRAHAM M. for a violation of 18 U.S.C. § 641 (Theft of Government Property).

2. The facts set forth in this affidavit are based upon my personal observations; my training and experience; and information obtained from various law enforcement personnel and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and arrest warrant and does not purport to set forth all of my knowledge of or investigation into this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and part only.

BACKGROUND OF SPECIAL AGENT MATTHEW A. MAAS

3. I am a Special Agent with the United States Treasury Department, Treasury Inspector General for Tax Administration ("TIGTA") and have been since June 2020. I graduated from the Criminal Investigator Training Program in February 2021. In March 1995, I graduated from the Fullerton College Police Academy. From September 2015 through June 2020, I worked for the Department of Homeland Security, Immigration and Customs Enforcement, Enforcement and Removal Operations as a Deportation Officer.

SUMMARY OF PROBABLE CAUSE

4. On January 10, 2023, Internal Revenue Service ("IRS") employees at the IRS office located at 9350 Flair Dr. El Monte, California, 91731 ("El Monte IRS Office), discovered that the IRS office's government-owned vehicle, a white Hyundai Elantra, license plate number G132994V ("the Elantra"), with an estimated value of \$20,000 dollars had been stolen. Earlier in the day, IRS employees from the El Monte IRS Office saw HEFNER, an IRS Revenue Officer, in the building and nearby the Elantra. At the time, HEFNER was on administrative leave and did not have permission to access or drive the Elantra.

5. On January 11, 2023, at approximately 9:36 p.m., the San Jacinto Sherriff's Department saw the Elantra, at a Chevron gas station in Hemet, California. Sheriff's deputies conducted a vehicle stop and identified the driver as HEFNER by his Tennessee Driver's License identification located in his wallet. In a Mirandized statement, HEFNER admitted that he went to the El Monte IRS Office on January 10, 2023, to pick up some mail. While there, HEFNER said he decided to take the keys to the Elantra in order to have a place to sleep for the night and have a way to "get around." He also admitted that his use of the Elantra was not for official IRS or government business.

STATEMENT OF PROBABLE CAUSE

6. Based on my review of law enforcement reports, conversations with other law enforcement agents, and my own knowledge of the investigation, I am aware of the following:

A. On January 10, 2023, IRS Employees Discover the Elantra Has Been Stolen from the IRS Office in El Monte, California

7. According to my interview with IRS Supervisory Revenue Officer Judith Hubbard, on the morning of January 10, 2023, IRS Supervisory Revenue Officer Naomi Brown placed the shared vehicle keys and Government Service Agency ("GSA") fuel card for the office's white Hyundai Elantra, license plate number G132994V (the Elantra) with an estimated value of \$ 20,000 dollars, into the office's secured key box located at the El Monte IRS Office. Approximately one hour later, IRS Revenue Officer Seok Lee retrieved the keys and fuel card to service the Elantra; however, Lee was sidetracked and did not ultimately service the Elantra and returned the keys and gas card to the key box.

8. According to my interview with Hubbard, on the same day, IRS Revenue Officer HEFNER was on administrative "Leave Without Pay" status. However, at approximately 2:30 p.m. HEFNER showed up to the El Monte IRS Office unannounced to pick-up some packages. HEFNER told Officer Hubbard that the packages were delivered there for him because he was homeless.

9. According to my interview with Hubbard, at approximately 2:30 p.m., Officer Lee attempted to retrieve the keys and gas card for the Elantra a second time, but they were missing. Officer Lee said he looked out the office window and the Elantra was still there. About the same time, HEFNER was seen leaving the El Monte IRS Office with some bags and clothes.

10. Shortly thereafter, Officer Lee went down to check inside the Elantra for the keys. As he approached the Elantra, the taillights flashed in a way that is similar to what happens when someone locks or unlocks a car with a key FOB. At that time, he saw HEFNER standing in the area of the Elantra. Officer Lee asked HEFNER if HEFNER had the keys. HEFNER said no. Officer Lee checked the Elantra for the keys and did not find them. However, Officer Lee noticed that the doors to the Elantra, which had previously been locked, were now unlocked.

11. Around 3:37 p.m., Officer Lee took a picture of the Elantra from the fourth-floor office window of the El Monte IRS Office and returned to work. At around 5:04 p.m., Officer Lee looked out the window and noticed that the Elantra was gone. Officer Hubbard reported the theft of the Elantra to law enforcement.

B. Officer Hubbard Learns that the GSA Fuel Card for the Elantra Was Used at Nearby Gas Station and Video Footage Confirms that HEFNER was the Person Who Used the Fuel Card

12. On January 11, 2023, I interviewed Officer Hubbard. Based on that interview, I know the following:

a. HEFNER has been employed with the IRS for thirteen years and is an IRS Revenue Officer at the El Monte IRS Office. Officer Hubbard supervises HEFNER.

b. On January 11, 2023, after the Elantra was taken, Officer Hubbard called GSA to check whether the GSA Fuel Card for the Elantra had been used after the theft. GSA told her that the GSA Fuel Card had been used at approximately 4:37 p.m.

the Exxon Mobil gas station, located at 9401 Garvey Ave, S. El Monte, CA. GSA also said that the GSA Fuel Card was used to purchase 12.32 gallons for a total of \$63.00. Officer Hubbard also gave me HEFNER's personal cell phone number, (909) 975-8281.

c. I contacted ZetX, a law enforcement tool that identifies phone carriers. The request was approved, and I learned that the cell phone carrier for HEFNER's cell phone is T-Mobile. I contacted T-Mobile law enforcement services to request emergency location data on HEFNER's cell phone. That request was approved at approximately 1:27 p.m. We began receiving location data on HEFNER's cell phone about 15-20 minutes later.

13. Afterwards, I went to the Exxon Mobile gas station to see whether any video footage existed for the time that the GSA Fuel Card was used. I talked to the owner of the Exxon Mobile gas station, and he provided the video for the timeframe when the GSA Fuel Card was used. I reviewed the video. Based on my review, I determined that the person in the video matched HEFNER's IRS employee picture. I took a screenshot of the video and texted it to Officer Hubbard, who confirmed the person in the video was HEFNER.

14. Based on location data that I was receiving from T-Mobile, I contacted local law enforcement in the areas where HEFNER's cell phone appeared to be to issue a "Be On the Look Out" for the Elantra and HEFNER.

C. San Jacinto Sherriff's Department deputies locate the Elantra in the city of Hemet, California, driven by HEFNER.

15. On January 11, 2023, at approximately 9:52 p.m., San Jacinto Sheriff's Department deputies called to tell me that they saw the Elantra at a Chevron gas station in Hemet, CA about 20 minutes earlier. Sheriff's deputies also told me that they had eventually stopped the Elantra in San Jacinto, CA. During the vehicle stop, the Sheriff's deputies identified HEFNER as the driver based on his Tennessee Driver's License and detained him.

16. After being contacted by the San Jacinto Sheriff's Department, I drove to the location of the vehicle stop in San Jacinto, CA and took custody of HEFNER.

17. I searched the contents of HEFNER's vehicle. Located inside the vehicle on the passenger front seat was HEFNER's backpack. Inside the opened front pouch in plain site was a small clear plastic baggie which contained 3.0 grams of what appeared to be methamphetamine. Co-located in the center console cup holder was two glass pipes which contained white crystalline residue.

D. HEFNER Admits He Took the Elantra in a Mirandized Interview

18. The following day, on January 12, 2023, I met with HEFNER at TIGTA's office at 300 N. Los Angeles Street, in Los Angeles, California. I read HEFNER his Miranda rights, he waived his rights, and said he would talk to me. During that conversation, HEFNER admitted that he went to the El Monte IRS

Office on January 10, 2023, to pick up some mail. While there, HEFNER said he decided to take the keys to the Elantra in order to have a place to sleep for the night and have a way to "get around."

19. He also admitted to unlocking the Elantra with the Elantra's key fob. He also said he used the GSA Fuel Card to pay for the gas for the Elantra the prior day. HEFNER also admitted that he had taken the required annual training for the proper use of government-owned vehicles and GSA Fuel Cards. Finally, he admitted that his use of the Elantra was not for official IRS or government business.

CONCLUSION

20. For all of the reasons described above, there is probable cause to believe that GRAHAM M. HEFNER has committed a violation of 18 U.S.C. § 641 (Theft of Government Property).

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone on this 13th day of January, 2023.



HONORABLE CHARLES F. EICK
UNITED STATES MAGISTRATE JUDGE